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# Proposed Zoning Changes: Accessory Dwelling Units (ADUs)

*Department of Planning & Development*  
*July 17, 2023*

# Summary

- Modify existing regulations to allow Accessory Dwelling Units (ADUs) on single-family residential lots in Lowell.
- In an effort to minimize aesthetic impact, ADUs would need to be either:
  - Attached to the primary structure, or
  - A conversion of an existing accessory structure that exists as of the adoption of the ordinance or is at least ten (10) years old and complies with all setback/size requirements for accessory structures per Section 4.3.5(4) and Section 4.4.



Source: <https://www.bing.com/newtabredir?url=https%3A%2F%2Fwww.smartergrowth.net%2Fadu%2F>

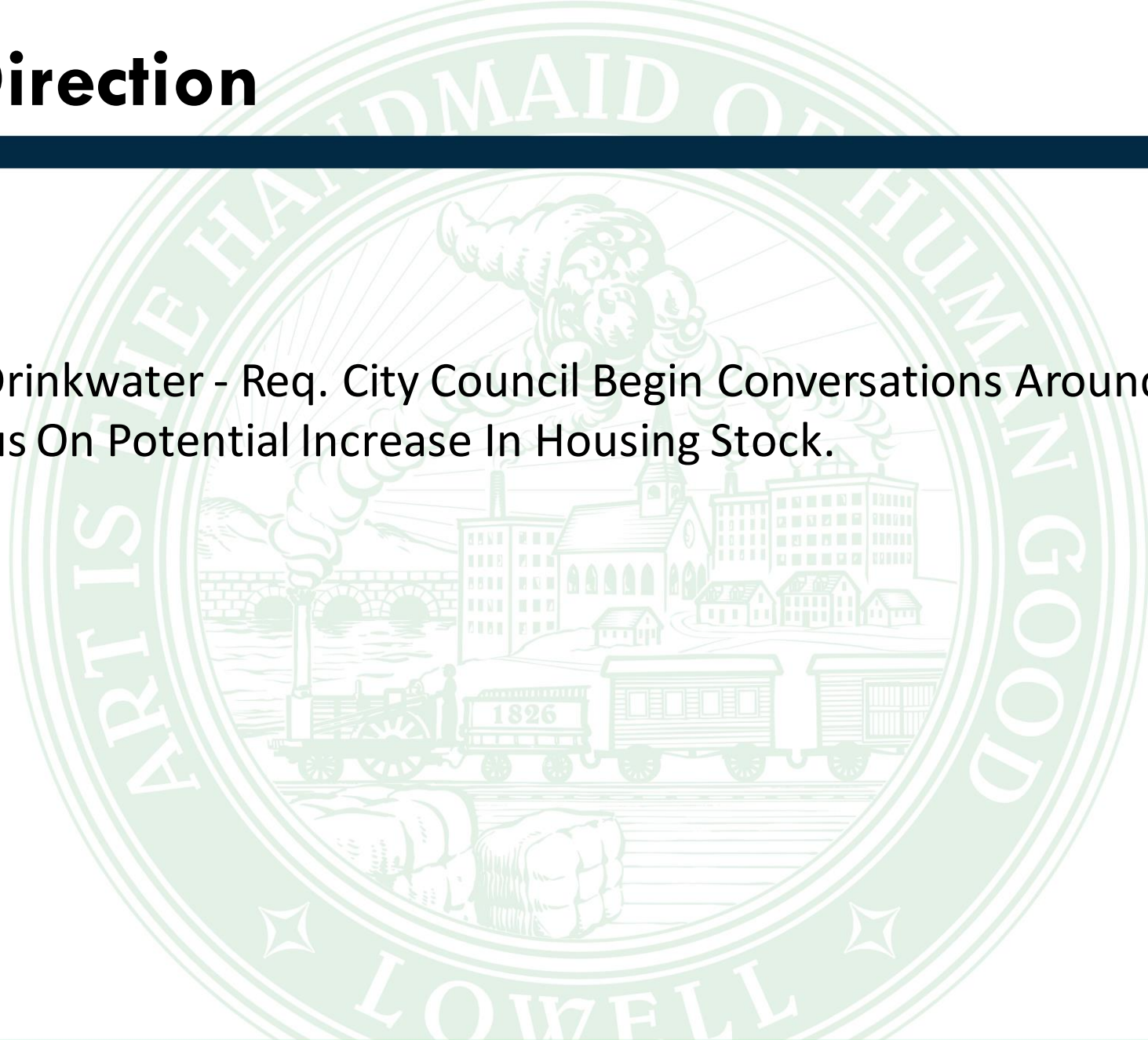


# Council Direction

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**June 14, 2022**

C. Robinson/C. Drinkwater - Req. City Council Begin Conversations Around Zoning And ADU's With Focus On Potential Increase In Housing Stock.



# What are Accessory Dwelling Units (ADUs)?

- An Accessory Dwelling Unit (ADU) is an independent housing unit with its own kitchen, bathroom, living and sleeping space.
- These units are smaller than and accessory to a primary residence



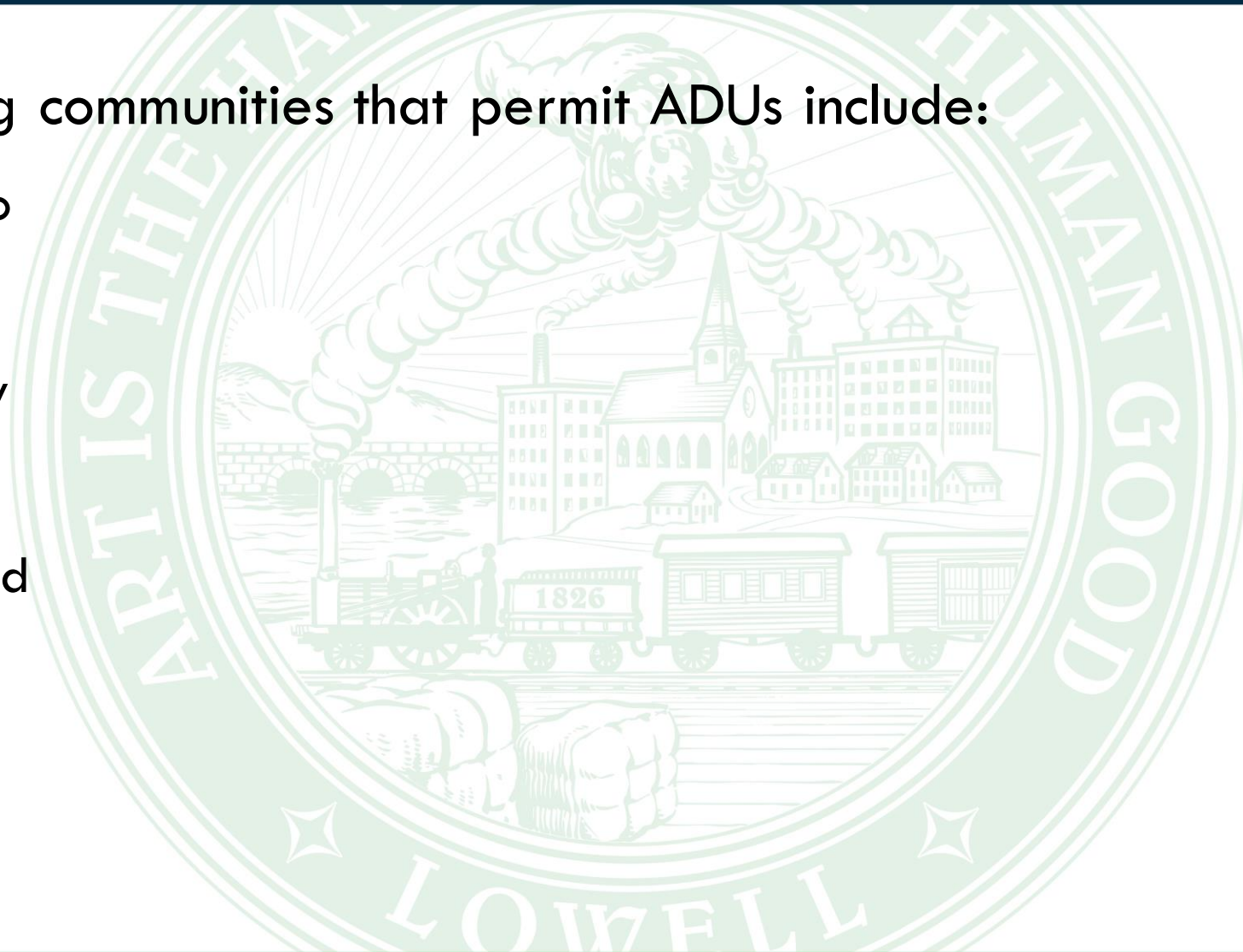
Source: [Why Are Accessory Dwelling Units Stalled in Albany? - The River \(therivernewsroom.com\)](http://www.therivernewsroom.com)



# Neighboring Cities/Towns that Allow ADUs

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- Neighboring communities that permit ADUs include:
  - Tyngsboro
  - Dracut
  - Tewksbury
  - Billerica
  - Chelmsford
  - Westford
  - Dunstable
  - Pepperell



# What are Accessory Dwelling Units (ADUs)?

- ADUs can be detached, attached, or a separate space within the primary dwelling

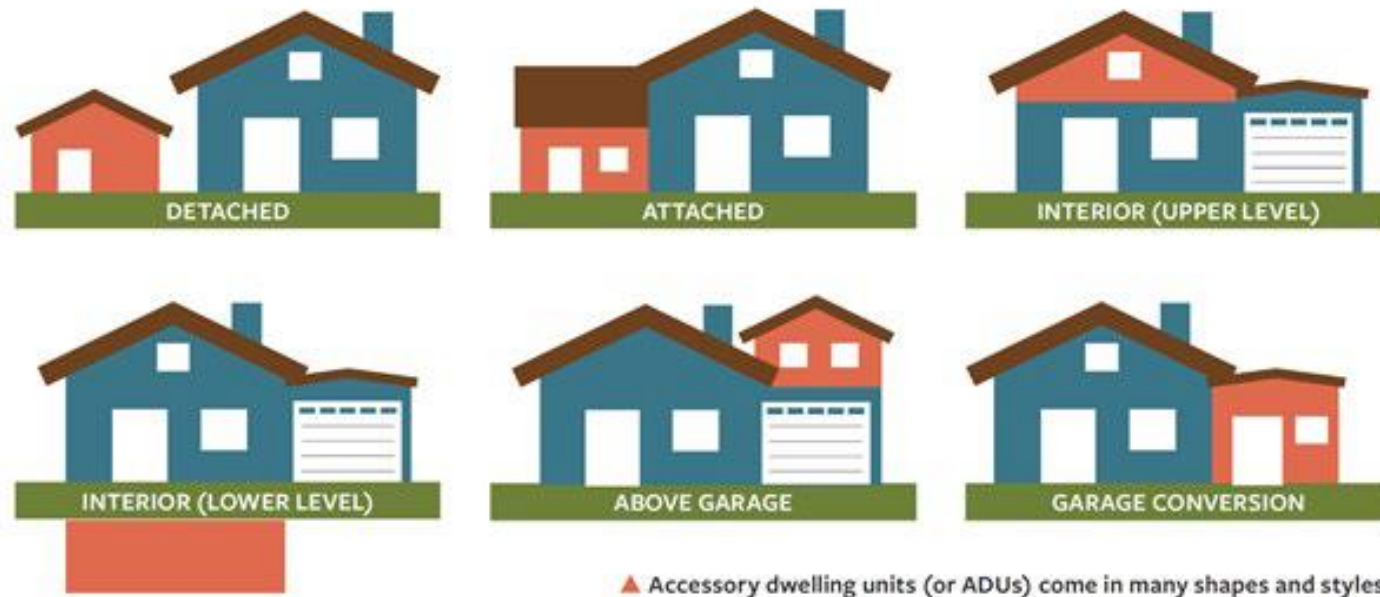


Image Source: The ABCs of ADUs: A guide to Accessory Dwelling Units and how they expand housing options for people of all ages (AARP)



# What are some of the reasons for this proposed amendment?

- Affordable housing
- Housing options for seniors and adult children
- Sustainable development and smart growth



Source: ADU 'Hot Topics' (aarp.org)

# How do ADUs provide affordable housing?

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- Add to supply of housing in Lowell
- Market-rate ADUs tend to rent for less than is typical for the neighborhood where an ADU is located, promoting mixed-income neighborhoods
- Smaller units can be lower cost to rent
- Units can provide additional income for homeowner, making homeownership more sustainable and promoting neighborhood stability
- Many units are not rented on the market, instead serving as housing for family members or friends



# What is allowed today?

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- ADUs are currently allowed in the Urban Neighborhood Single Family (USF) zoning district by Special Permit from the Zoning Board of Appeals (ZBA).
- Attached in-law suites are allowed in Lowell so long as the second living area is free-flowing with the primary living area without any locked doors. The suite is NOT considered a separate dwelling unit and may not be rented.

# Proposed ADU Ordinance: Process

- No ADU shall be constructed without a building permit from the Division of Development Services (DDS). The building permit application must include proof of ownership and a floor plan/elevations.
- Proof of owner-occupancy must be provided with a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence. This letter must be recorded at the Registry of Deeds and a copy must be submitted to DDS.
- All ADUs must obtain certificates of occupancy (COO) from DDS. The occupancy permit shall be revoked if any conditions imposed by this section are not fulfilled.
- By filing a building permit, owners consent to an inspection upon reasonable notice by the Building Commissioner or their designee to ensure compliance with this ordinance.
- Upon sale of the property, the new owner shall be required to file a new application with DDS to maintain the ADU.



[Source: Will Adding an Accessory Dwelling Unit Pay Off? \(chron.com\)](https://www.chron.com/story/news/local/2019/05/15/will-adding-an-accessory-dwelling-unit-pay-off/261111700/)



# Proposed ADU Ordinance: Requirements



- The use of the subject property shall be a single-family residential use.
- No more than (1) accessory dwelling unit shall be located on a single property.
- At least one (1) owner of the property must reside on either the primary dwelling unit or the accessory dwelling unit.
- The accessory dwelling unit may not be sold separately from the principal dwelling.
- The accessory unit shall be clearly subordinate in use, size, and design to the principal dwelling.
- The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- Short-term rentals are prohibited in both the primary and accessory dwelling unit.
- Utilities for the accessory unit, such as water, electric, and gas shall be extensions of the existing utilities serving the primary dwelling. No new utilities or meters shall be installed for the use of the accessory dwelling unit.

# Proposed ADU Ordinance: Conditions

- An accessory dwelling unit is a separate, subordinate living area constructed as a part of an existing or newly constructed, owner-occupied single-family structure and built in a manner which maintains the appearance of a single-family structure
  - The ADU may be in a detached accessory structure that exists as of the adoption of this ordinance or which has been in existence for at least ten (10) years, and complies with Section 4.3.5(4) and Section 4.4
- The accessory dwelling unit shall require one (1) off-street parking space.
- An additional entrance exclusively for the ADU shall not be located facing the street, unless it is located below the main level of the house and is substantially concealed from view from the public way.
- The ADU shall not be larger in floor area than  $\frac{1}{2}$  of the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.



# Proposed ADU Ordinance: Special Permit Required

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- In the event that the proposal cannot meet the conditions set forth in Section 4.3.8(4), a Special Permit is required from the Zoning Board of Appeals



# Proposed ADU Ordinance: Termination

- The accessory dwelling unit shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon two weeks of written notice mailed to primary dwelling unit address by certified mail, return receipt requested.
- Duties of the owner upon termination include:
  - The owner shall discontinue use of the accessory dwelling unit as a separate dwelling unit.
  - The kitchen facilities of the accessory dwelling unit shall be removed unless determined by the Building Commissioner or their designee that they are incidental and subordinate as an accessory use of the principal structure.
  - Any additional exterior entrance constructed to provide access to the accessory living space area shall be permanently closed, unless the Building Commissioner or their designee provides a waiver.
  - The owner shall permit an inspection by the Building Commissioner or their designee.



# Proposed ADU Ordinance: Table of Accessory Uses

Districts:	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
ACCESSORY USES																		
n. Accessory dwelling unit, added to a single family home, subject to <del>minimum lot area per dwelling unit requirements</del> the provisions of Section 4.3.8	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

# Questions?

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